

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 655 – HB 1185

March 13, 2019

SUMMARY OF BILL: Creates the *Juvenile Justice Stop Solitary Confinement Act*. Defines “solitary confinement” as the placement of an incarcerated person in a locked sleep room or cell alone with minimal or no contact with persons other than guards, juvenile facility staff, and attorneys.

Prohibits a minor offender in a juvenile detention facility that is approved, certified or licensed by the Department of Children’s Services (DCS) from being placed in solitary confinement unless the minor presents a serious security risk or an imminent threat to the safety of another and other less restrictive options have been attempted and exhausted, in which case the minor offender may be placed in solitary confinement up to 22 hours.

If an administrative hearing is conducted after the initial 22-hour solitary confinement period and the minor offender is still found to present a serious security risk or imminent threat to the safety of another, then the minor offender may be ordered to solitary confinement for no more than seven additional days, at a maximum of 22 hours per day.

Requires the juvenile detention facility to provide a weekly report to the appropriate juvenile court judge of each minor offender placed in solitary confinement during the time period of the report. Requires the DCS to provide appropriate training, either through the DCS or by contract, to individuals employed by a juvenile detention facility in the treatment of juveniles.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Based on information provided by the DCS, juvenile detention centers are currently authorized to use seclusion with a minor offender when necessary to prevent imminent harm to themselves, another person, prevent damage to property, or prevent the youth from escaping and should exhaust other less restrictive techniques prior to placing a youth in seclusion.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(26), seclusion is the intentional, involuntary segregation of an individual from the rest of the resident population for the purposes of preventing harm by the youth to themselves or others; preventing harm to the youth by

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others; aiding in de-escalation of violent behavior; or serving for clinically-defined reasons.

- Pursuant to DCS rule 0250-04-08-.04(6)(a)(2), all juvenile detention center staff whose duties include the supervision, custody, or treatment of youth are required to complete an annual 40 hours of in-service training designed to instruct them in specific skill areas of operations.
- Passage of the proposed legislation would authorize the use of solitary confinement of a minor offender in certain, limited circumstances.
- The use of seclusion and solitary confinement are similar interventions.
- The DCS will train staff employed by a juvenile detention facility on the use of solitary confinement of juveniles to meet the provisions of this legislation at the annual in-service training required by Department rule; therefore, any fiscal impact to DCS is not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vlh